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# REPORT

OF THE

## ATTORNEY GENERAL.

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CONFEDERATE STATES OF AMERICA, }  
Department of Justice, }  
Richmond, January 1, 1863. }

*To the President :*

SIR,—I have the honor to submit, for your consideration, the following Report from this Department :

The Patent Office, which by law is under the control and supervision of this department, has not received the patronage and revenues from its operations, within the last twelve months, the preceding year's operations promised. The number of applications for patents filed, since the first of January, 1862, is one hundred and forty-nine, and the number of caveats, sixty-four. Seventy-five patents have been issued, during the year 1862. Owing to the incidents of the war, especially in the South-west, and along our seaboard, the receipts of the office began rapidly to decline during the month of May; and, in consequence thereof, and of diminished business, it became necessary shortly thereafter, to reduce the number of clerks employed. The law requires the office to be self-sustaining. The expenses were required to be retrenched, in order to prevent the speedy exhaustion of the surplus funds accumulated by previous operations. Since the middle of November, the Commissioner of Patents, and one Assistant Examiner have constituted the whole force of the office. As the surplus funds of this office, now placed to its credit in the Treasury, amount to more than two thousand dollars, it is confidently believed the office will continue to be self-sustaining, whilst the war continues. For the past month, the receipts have been greater than for several months, and, I think, the business and consequent revenue will much increase with the advancing prospects of peace. For a more detailed statement of the operations of the office, during the year, and of its present condition, I refer to the report of the efficient Commissioner of Patents.

The rapid increase in the cost of materials, has caused some trouble in the Bureau of Public Printing. But the skill, industry, and circumspection of Mr. George E. W. Nelson, the Superintendent, and of

Mr. Ed. G. Dill, his admirable Clerk, have saved many thousands of dollars to the Treasury. I call your attention to the Report of the Superintendent, and recommend the alterations in the laws therein suggested.

The laws of each session of Congress have not been published with that promptness which is desirable. But this delay has been occasioned by difficulties growing out of the disturbed state of the country, rendering it almost impracticable to procure promptly and regularly the materials necessary to printing establishments.

The law requires the prompt publication of the acts of Congress in some newspaper published at the seat of government of each state of the Confederate States. It has happened, during the present year, that several of the state capitals have been in possession of the enemy. I suggest that the law ought to be so amended as to meet such emergencies, by authorizing the Attorney General to have the acts published in other places, whenever it is impracticable to publish them at the seat of government.

I must not omit to remind your Excellency, that the organization of the Indian Territories has not yet been completed. After the reception of official notice that the treaties with the Indians had been ratified, nominations for Judges, District Attorneys and Marshals, were made, but I am informed of no action of the Senate thereon.

The constitution of the Confederate States declares, that "every law, or resolution having the force of law, shall relate to but one subject, and that shall be expressed in the title." I cannot suppose, that any clause of the constitution, couched in such terms, is merely *directory*, and that Congress can be at liberty to disregard, in enactments, so plain an injunction of the fundamental law. What are to be the consequences of a plain departure from this clause of the constitution, in framing laws, will present serious questions for the adjudication of courts. If the law passed embraces more subjects than one, or, if the subject of it be not expressed in the title, what is to be the consequence? Is the whole law thereby to become void? Is the enactment on the first subject named, to be alone held valid, or is the last, or any other named? If more than one subject be embraced, and but one is expressed in the title, which part of the law is then to be considered valid? Many such questions might be asked, and satisfactory answers might be difficult to find. I am induced to call attention, specially, to this clause of the constitution, because one law, relating to officers over whom this department has control, has been the subject of discussion, and may become the subject of litigation. I allude to the act of April 19th, 1862, entitled "An act regulating the fees of marshals, and for other purposes." This act not only regulates the fees of marshals, but provides for the appointment of criers for the courts, and their compensation; it also regulates the compensation of jurors and witnesses. Another act, passed on the same day, entitled "An act regulating the fees of clerks, and for other purposes," is liable to similar objections. I name these two acts alone, not because they alone are subject to the objections indicated, but because they are sufficient to excite the attention of Congress to the subject.

The constitution enjoins on Congress the duty of establishing "a tribunal for the investigation of claims against the Confederate States." The numerous claims which have already arisen, and others likely to arise in the prosecution of the war, make it of great importance to the claimants and to the Government, that such tribunal should be established without unnecessary delay. The laws now provide, that some of these claims shall be filed in this department, whilst others are required to be filed in the Department of State. Investigations into their validity and amount, and the perpetuation of testimony, are required of the Attorney General, or of the Secretary of State, according to the character of the claim. It must be obvious to the most careless observer, that the other duties required of the Attorney General, and of the Secretary of State, render it almost impossible for either to investigate properly the justice of these claims, or to give personal attention to the taking of testimony bearing on their validity or amount. Thus, the testimony would be almost wholly *ex parte*. In many cases, the absence of a rigid cross examination, so essential to elicit the whole truth, will result in imposition and frauds on the government. Under the present laws, the delay, frequently unavoidable, to honest and needy claimants, is an evil to be deprecated. Many of the persons who have filed claims in this office, have been impoverished by the improvident, not to say grossly negligent or oppressive action of our own troops. To such claimants, tardy justice becomes almost oppression. The establishment of the court contemplated in the constitution, would remedy all the evils from delay and imperfect examination of these claims, and afford safeguards against injustice and fraud on the government.

When the framers of our constitution divided all the delegated powers into the three great departments, Legislative, Executive and Judicial, they never contemplated the system fully organized until each of these departments should be provided with a head. The constitution has now been in operation nearly one year, and yet no Supreme Court has been established. The many conflicting decisions, under the confiscation, conscription, and other laws, from which appeals have been taken, show, but too plainly, the necessity for prompt action on the part of Congress. Uniformity in the construction of statutes, the preservation of constitutional landmarks, and justice to the property and person of the citizen, all call for the establishment of the Supreme Court, the head of the Judicial department of the Government. As the law now stands, no appeals are allowed from the decisions of Judges of the District courts, in cases arising under the habeas corpus writ. I respectfully suggest, that in such cases, appeals, or writs of error should be authorized.

I have the honor to be, very respectfully,

Your obedient servant,

(Signed,)

T. H. WATTS,  
Attorney General.

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# REPORT

## OF THE

### SUPERINTENDENT OF PUBLIC PRINTING,

FROM FEBRUARY 22d, TO DECEMBER 31st, 1862.

DEPARTMENT OF JUSTICE,  
*Bureau of Public Printing,* }  
 Richmond, January 5th, 1863. }

HON. THOMAS WATTS, *Attorney General* :

SIR :—I have the honor to report the transactions of this Bureau from February 22d to December 31st, 1862.

The bills for the printing of Congress and the several Executive Departments, examined, approved and passed for payment, during this period, foot up twenty-nine thousand eight hundred and forty-four dollars and five cents (\$29,844.05) of which the following is a statement in detail :

#### BILLS APPROVED AND PAID.

|                                 |                    |
|---------------------------------|--------------------|
| For Congress,                   | \$3,134 79         |
| For the Department of State,    | 112 52             |
| For the Department of Justice,  | 84 23              |
| For the Treasury Department,    | 2,311 71           |
| For the War Department,         | 20,691 51          |
| For the Navy Department,        | 1,126 87           |
| For the Post Office Department, | 2,382 42           |
| Total,                          | <u>\$29,844 05</u> |

## OUTSTANDING BILLS.

There are outstanding bills to a considerable amount, which will shortly be presented for settlement. From the data before me, I am enabled to furnish an approximate result as follows:

|                                 |                    |
|---------------------------------|--------------------|
| For Congress,                   | \$2,250 00         |
| For the Department of State,    | 300 00             |
| For the Department of Justice,  | 50 00              |
| For the Treasury Department,    | 6,000 00           |
| For the War Department,         | 74,974 68          |
| For the Navy Department,        | 800 00             |
| For the Post Office Department, | 12,000 00          |
| Total,                          | <u>\$96,374 68</u> |

## TOTAL COST OF PRINTING.

From the statements above given it will be perceived that the printing of the Government for this period will probably cost one hundred and twenty-six thousand two hundred and eighteen dollars and seventy-three cents (\$126,218 73).

|                                 |                     |
|---------------------------------|---------------------|
| For Congress,                   | \$5,384 79          |
| For the Department of State,    | 412 52              |
| For the Department of Justice,  | 134 23              |
| For the Treasury Department,    | 8,311 71            |
| For the War Department,         | 95,666 19           |
| For the Navy Department,        | 1,926 87            |
| For the Post Office Department, | 14,382 42           |
| Total,                          | <u>\$126,218 73</u> |

## QUANTITY OF BLANKS PRINTED.

I have prepared the following table, for the purpose of exhibiting the quantity of printing executed for the different Departments of the Government:

| Department.  | No. of Reams. | No. of Blanks. |
|--------------|---------------|----------------|
| State,       | 7             | 3,360          |
| Justice,     | 16            | 7,680          |
| Treasury,    | 198           | 95,040         |
| War,         | 9,127         | 4,470,960      |
| Navy,        | 80            | 38,400         |
| Post Office, | 1,417         | 680,560        |
| Total,       | 10,845        | 5,296,000      |

One thousand and fifty-six (1,056) blank books were printed, of which one hundred and fifty-two (152) were for the War Department, eight hundred and eighty-four (884) for the Treasury Department, five (5) for the Navy Department, nine (9) for the Department of Justice, and seven (7) for the Department of State. There were also printed for the War Department one hundred and four (104) "General Orders," of from one to thirty pages each in size, and of which the whole number of copies amounted to one hundred and fifty-one thousand (151,000). Three hundred and forty-five thousand (345,000) passports were also printed for the Provost Marshal, and one hundred and fifteen thousand (115,000) railroad tickets for the Transportation Bureau of the War Department. For the Ordnance Bureau there were two thousand (2,000) pamphlets printed, and for the Surgeon General two thousand (2,000) surgical note books.

#### THE COST FOR THE PROVISIONAL GOVERNMENT.

The total cost of the printing for the Provisional Government, as supervised by this office, amounts to one hundred and three thousand eight hundred and fourteen dollars and seventy-nine cents (\$103,814 79) as follows :

|                                 |                     |
|---------------------------------|---------------------|
| For Congress,                   | \$5,907 43          |
| For the Department of State,    | 465 44              |
| For the Department of Justice,  | 754 43              |
| For the Treasury Department,    | 3,953 92            |
| For the War Department,         | 63,247 60           |
| For the Navy Department,        | 1,391 58            |
| For the Post Office Department, | 28,094 39           |
| Total,                          | <u>\$103,814 79</u> |

#### INCREASE OF PRINTING.

Thus it will be observed that there has been an increase in the cost of printing from the 22d February to the 31st December last, as compared with that for the corresponding period of ten months under the Provisional Government, of twenty-two thousand four hundred and three dollars and ninety-four cents, (\$22,403 94) as follows :

| Department.  | Decrease.   | Increase.   |
|--------------|-------------|-------------|
| Congress,    | \$522 64    |             |
| State,       | 52 92       |             |
| Justice,     | 620 20      |             |
| Treasury,    |             | \$4,357 79  |
| War,         |             | 32,418 59   |
| Navy,        |             | 535 29      |
| Post Office, | 13,711 97   |             |
| Total,       | \$14,907 73 | \$37,311 67 |



The increase has been the largest for the War Department, and the greatest falling off is noticed in the printing of the Post Office Department. The cause of the large increase for the former may be attributed mainly to the large accessions to the army under the last conscription act. In the month of August, nearly two millions of blank muster rolls, pay rolls, &c., &c., were ordered for this department alone, and this large order is but just filled. The decrease for the latter is due to the fact that the officers of that Department before the close of the Provisional Government, and with the exception of signature post bills and circular letters, ordered blanks sufficient for the consumption of six months.

#### THE APPROPRIATIONS.

By reference to the books of the Treasury, I find that there will be a surplus of forty-one thousand seven hundred and eighty-five dollars and four cents (\$41,785 04), of which eight thousand three hundred and fifty-seven dollars and thirty cents (\$8,357 30) may be expended for the printing of Congress, and thirty-three thousand four hundred and twenty-seven dollars and seventy-four cents (\$33,427 74) for the printing of the several Executive Departments, as follows:

|   |              |
|---|--------------|
| Amount to the credit of the Executive Departments,              |              |
| Dec. 31st, 1862,  | \$127,552 42 |
| Deduct amount of outstanding bills, less the item for Congress, | 94,124 68    |
|   | <hr/>        |
|   | \$33,427 74  |
|   | <hr/>        |
| Amount to the credit of Congress, Dec. 31st, 1862,              | \$10,607 30  |
| Deduct amount of outstanding bills,                             | 2,250 00     |
|   | <hr/>        |
|   | \$8,357 30   |
| Add for the Executive Departments,                              | 33,427 74    |
|   | <hr/>        |
| Total surplus,  | \$41,785 04  |
|   | <hr/>        |

I can only account for this large surplus on the ground that two appropriations for thirty-seven thousand dollars, (\$37,000,) one approved 24th December, 1861, and the other, a special Act, Dec. 31st, 1861, were made by Congress upon one estimate from this office, that of the 26th November, 1861. The estimates for six months from the 31st January next, required by law, have already been transmitted to you.

#### THE ADVERTISING.

I have ascertained that seventy-two dollars and sixty-two cents, (\$72 62,) have been paid out of the appropriations for the printing

of the Executive Departments for advertising. I would respectfully submit that advertising does not come within the object aimed at in these appropriations, and that as it is not under the control or direction of this office, it is not included in the estimates for the printing of the several Executive Departments.

#### PURCHASE OF PAPER, AND COMPENSATION OF CONTRACTORS.

On the 19th August last I addressed a letter to you, requesting an amendment in the fourth section of the Act of the Provisional Congress, approved May 14th, 1861, entitled "An Act to organize further the Bureau of Superintendent of Public Printing," by conferring upon me additional authority to purchase, without advertising for sealed proposals, paper necessary to do all the printing of Congress, or either one of the Executive Departments, and writing paper and envelopes used by Congress or the Executive Departments.

The scarcity of paper, and the high prices which it commands, has been the chief source of embarrassment. Paper manufactured within the limits of the Confederacy has advanced more than one hundred per cent., and that of foreign manufacture, suitable for blank books, and the finer description of printing, from two hundred and fifty to five hundred per cent. So steady has been the advance in price, and so great the demand for it, that I have found it impossible to secure a single contract. Nor is there a probability that I will be able to make a single contract until peace is established. The manufacturers are well aware that they can find a ready sale for all the paper they can make, and prefer rather to risk the market than fix the price, as they would be compelled to do if they made a contract under the Act of May 14th, 1861. The law as it now stands gives me authority to contract, but does not authorize me to make purchases. You will recollect that several months ago I consulted you upon this subject. Your reply was to the effect that I could lawfully purchase paper needed for immediate use, provided I could not secure a contract for it. I have done so on several occasions, when circumstances imperatively demanded it, but it would be more economical to keep a large supply on hand, so that all the paper required for the printing could be supplied by this Bureau.

As I stated in the letter above referred to, a large portion of the paper now used is purchased by the several contractors of the paper dealers of this city, who obtain it from vessels running the blockade or in distant parts of the Confederacy. Of course it is held at a high figure, and the government not only pays what it costs in the first instance, but also the advance demanded here for it. I would add that the law of February 27th, 1861, fixes the per cent. allowed to the contractor at not more than twenty per cent. on the actual cost of the paper. Under the several contracts, this per cent. ranges from five to ten per cent. Consequently it makes no difference how much the contractor pays for paper, as he is sure of his five or ten per cent., which is a handsome profit on the amount invested. You will observe, therefore, that if I am authorized to purchase the paper, this per cent. will also be saved to the Government.

I have included writing paper and envelopes, because I am very frequently requested by the several Departments to furnish these articles, and because I believe it would result in a considerable saving to the Government.

In the letter of August 19th last, I also recommended the repeal of the first, second, and third clauses in the seventh section of the Act of Feb. 27th, 1861, and the passage of a bill fixing the price for all descriptions of work as follows: For composition, plain, per 1,000 ems, seventy cents; composition, rule, and rule and figure, per 1,000 ems, one dollar and twenty cents; press work, per token, including folding and stitching, seventy cents.

I have made this recommendation for the purpose of simplifying the rates of compensation allowed contractors, and for the further reason that at the first session of the Permanent Congress a resolution for the preservation of public documents, approved April 19th, 1862, was adopted, by which it is made my duty to deliver to you two hundred copies of all documents printed, by order of either House of Congress, for the purpose of being indexed and bound in volumes. In order to secure uniformity, it became necessary to print all documents in pages of equal size, and to make a change in the compensation allowed to the Congressional printer.

These recommendations were laid before Congress at its last session, and I understand that the House Committee on Printing framed a bill in accordance therewith, but were unable to report it for the action of the House, in consequence of the heavy pressure of other important measures. In this bill a third section in relation to ruling and binding was introduced. Under the Act approved February 27th, 1861, the chief officers of the Government are authorized to contract for all necessary printing in connection with their several offices. Heretofore when proposals were invited for printing, no bids were made for ruling or for binding. As a large number of blank books, (1,056 for the current year), which are both ruled and bound, and hundreds of thousands of blank pay-rolls, muster-rolls, requisitions, &c., (10,845 reams for the current year), which require ruling are used by the Government, you will at once perceive the importance of adopting a uniform rate for ruling and for binding, or leaving it to the competition of bidders.

I have again called your attention to these subjects, in the hope that you may be able to obtain early action on the part of Congress.

#### THE PRINTER'S CERTIFICATES.

In my last annual report I called the attention of the then Attorney General (Mr. Bragg) to the fact that the tenth section of the Act of 27th Feb., 1861, requires the "public printer or contractor to produce a voucher, showing the cost of the paper used and the quantity thereof, to swear to the correctness of his account, and procure the certificate of two disinterested practical printers, not connected with his office, that it has been made out correctly under the law." The contractors have complained that this section has put them to unne-

cessary trouble, and caused a delay in the settlement of their accounts, which is injurious to their interests. They have also complained that even after the examination has been made and the certificate given by these parties, this bureau has refused to approve the account, and in some cases, made material alterations and deductions. This can be obviated, and the object of the Government attained, by simply doing away with the certificate of the two disinterested practical printers, and continuing to require the voucher for paper and the oath of the public printer or contractor to the correctness of his account.

All bills for printing are subjected to a rigid examination by this Bureau. Not only are the rates fixed by the contracts and the laws adhered to, but the closest scrutiny is made as to the actual quantity of composition, presswork, binding and ruling. In fact the investigation is made without the slightest reference to any of these certificates, although no bill has been approved without them, because they are required by the law.

#### PRINTERS' USAGES.

It is the almost universal practice of printers, when a large order for blanks is received, to put in type two or more forms, but to charge composition upon one only. Presswork is then charged as if one blank only were worked off at a single impression, when the fact is, that two or more are produced. To make the matter more plain, let us suppose that the composition upon a single form be 2,000 ems. At seventy cents per 1,000 ems (the price fixed by the law) it would only amount to one dollar and forty cents, whilst the presswork on ten thousand copies (if that many were ordered) at seventy cents per token, would amount to twenty-eight dollars. Now, if composition on two forms were charged, (and in the case to which I allude two forms would be set up), is it not palpable that two blanks are printed at one impression, and that instead of the presswork footing up twenty-eight dollars, it would be but fourteen—a clear saving of twelve dollars and sixty cents.

I give the above as one of the regulations which govern the proprietors of printing establishments. There are others quite as important, but in all instances I have felt it my duty, with a proper appreciation of the responsibilities resting upon me, to disregard them. After a careful consideration of the law, I am convinced that it is the intention simply to pay for the work actually performed, and for that only; and, consequently, I have refused to approve any bills that were not made out in accordance with this construction of the law.

#### THE CONTRACTORS.

During the Provisional Government the contract of the Department of Justice was awarded to Messrs. Tyler, Wise & Allegre; that of the State Department to Messrs. Ritchie & Dunnivant; that of the

Treasury Department to Messrs. Tyler, Wise & Allegre; that of the War Department to Messrs. Ritchie & Dunnivant; that of the Navy Department to Messrs. Macfarlane & Fergusson, and that of the Post-office Department to Messrs. Ritchie & Dunnivant. On the first of April last a contract for four years was made by the Postmaster General with Mr. John H. Seals, of Atlanta, Georgia, but on the 5th of November last it was annulled by that officer, in consequence of a non-fulfillment of its conditions. Since then a second contract has been made with Messrs. Ritchie & Dunnivant, who are now performing the work for that department.

#### THE LAWS.

The laws passed at the last session of Congress, printed in a style equal to that of Little & Brown's edition of the laws of the United States, are ready for distribution. The printing of the laws of the Provisional Congress, in the same form, is not completed, owing chiefly to the scarcity of printing material.

The body of the laws is set in long primer type, of which the Congressional printer, until very recently, could only procure sufficient to set up one form of sixteen pages. Proof-reading, comparing with the original rolls, and the presswork occupy an entire week, making it impossible to print more than one form per week. Delays have also been occasioned by the pressure of other work during the sittings of Congress. However, with the increased facilities which Mr. R. M. Smith, the Congressional printer, now has at his command, I hope shortly to be able to deliver to you the entire number for distribution.

#### CONGRESSIONAL DOCUMENTS.

In compliance with the resolution approved April 19th, 1862, I delivered to you two hundred copies of each public document ordered to be printed at the last session of Congress, for the purpose of being indexed and bound in volumes of convenient size. I perceive serious obstacles to the preparation of a complete index, from the fact that the documents cannot be paged with reference to the use contemplated in this resolution. Frequently several documents are printed at the same time, and it is impossible to page them so that they may form separate portions of the same book. However, I would suggest, as a partial remedy, that these documents be severally numbered by the Secretary of the Senate and the Clerk of the House, (Senate document No. 1, House document No. 1, and so on,) and that these numbers be printed in an appropriate head line on the first page of each document respectively.

#### THE HOUSE JOURNAL.

I was informed by the Clerk of the House, after its adjournment, that the Journal of that body had been ordered to be printed, and I

made arrangements to have the work executed expeditiously. Up to this writing I have not received the manuscript copy.

I have the honor, sir, to be,

Very respectfully,

Your obedient servant,

GEO. E. W. NELSON,

*Supt. Public Printing.*



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